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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

RICARDO SOLIS,

Defendant and Appellant.

F076533

(Super. Ct. No. 4002971)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Stanislaus County. Ricardo Cordova, Judge.

Carlo Andreani, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the State Attorney General, Sacramento, California, for Plaintiff and Respondent.

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* Before Franson, Acting P.J., Peña, J. and Meehan, J.

A jury convicted appellant Ricardo Solis of failing to update his sex offender registration annually (Pen. Code, § 290.12)¹ and found true two prior prison term enhancements (§ 667) and allegations that Solis had three prior convictions within the meaning of the “Three Strikes” law (§ 667, subds. (b)-(i)).

Following independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

On November 2, 1984, Solis was convicted by plea of forcible rape (§ 261, subd. (2)) and required to register as a sex offender.

Sometime around January 2017, Ceres Police Sergeant Daniel Vierra assumed responsibility for overseeing the registration of sex and arson offenders at the Ceres Police Department. As part of his duties, he would schedule appointments with offenders at the department, take or update their information, including where they lived, and post or update the information on the California Sex and Arson Registry. The information available on the data base includes the last time an offender registered.

Sometime in March 2017, Vierra received information that Solis was in custody and that he might be in violation of the requirement to register annually as a sex offender.² Vierra did some research and determined through the registry that Solis last updated his sex offender registration on September 30, 2015.

¹ All further statutory references are to the Penal Code.

² Section 290.012, subdivision (a) provides: “Beginning on his or her first birthday following registration or change of address, the person shall be required to register annually, within five working days of his or her birthday, to update his or her registration with the entities described in subdivision (b) of Section 290.” Solis was born on May 27, 1967.

On April 5, 2017, Vierra interviewed Solis at the county jail. Vierra asked Solis if he currently lived at an address on Central Avenue in Ceres, which was the address he provided when he last registered. Solis replied that although that was his main address, he also had lived at other places. Solis also explained that he had not updated his registration because he had an outstanding arrest warrant and did not want to be taken into custody.

On August 28, 2017, the Stanislaus County District Attorney filed an information charging Solis with failing to register as a sex offender and the enhancements and three strikes allegations that were subsequently found true.

On August 30, 2017, the jury rendered its verdicts in this matter.

On October 10, 2017, Solis filed a pro se motion for a new trial.

On October 25, 2017, defense counsel filed a sentencing brief that, in pertinent part, asked the court to strike two of Solis's prior strike convictions.

On October 30, 2017, at Solis's sentencing hearing, the court stated that it had received a motion for a new trial that was filed pro se by Solis and that it was not going to take any action on it. Solis then asked the court to appoint an attorney to file the motion for him and the court held a *Marsden*³ hearing. After denying Solis's *Marsden* motion, the court struck two of Solis's strike convictions, and sentenced him to an aggregate eight-year term, a doubled aggravated term of six years and two one-year prior prison term enhancements.

Solis's appellate counsel has filed a brief that summarizes the facts, with citations to the record, raises no issues, and asks this court to independently review the record. (*People v. Wende, supra*, 25 Cal.3d 436.) However, in a document filed on September 10, 2018, Solis purports to move for a new trial based on newly discovered

³ *People v. Marsden* (1970) 2 Cal.3d 118.

evidence (§ 1181) and he appears to contend that the trial court erred because it did not accept the motion for a new trial that he attempted to file pro se in the trial court.

With the exception of pro se motions regarding representation, motions and briefs of parties represented by counsel must be filed by such counsel and pro se documents filed by a represented party may be returned unfiled. (*People v. Harrison* (2001) 92 Cal.App.4th 780, 788-789.) Thus, the trial court did not err when it refused to consider Solis's motion for a new trial. Further, we summarily deny his motion for a new trial because such a motion must be "made and determined before judgment" (§ 1182) and thus cannot be made on appeal.

Further, following an independent review of the record, we find that no reasonably arguable factual or legal issues exist.

DISPOSITION

The judgment is affirmed.